

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ITV DIRECT, INC.,

Plaintiff,

v.

HEALTHY SOLUTIONS, LLC, ET. AL.,

Defendants.

CAPPSEALS, INC.,

Plaintiff-in-
Intervention

v.

HEALTHY SOLUTIONS, LLC., D/B/A
DIRECT BUSINESS CONCEPTS; ITV
DIRECT, INC. AND DIRECT
FULFILLMENT, LLC.

Intervenor-
Defendants.

C. A. No. 04-CV10421-JLT
(DEIN, J)

**CAPPSEALS, INC.'S REPLY TO THE ITV PARTIES'
OPPOSITION TO CAPPSEALS' MOTION FOR SANCTIONS
UNDER 28 U.S.C. § 1927 AND THE INHERENT POWERS OF THE COURT**

EXHIBIT 5, PART 4

SEYFARTH
ATTORNEYS **SHAW** LLP

55 EAST MONROE STREET - SUITE 4200
CHICAGO, ILLINOIS 60603-5803
AREA CODE (312) 346-8000
FEDERAL ID 36-2152202

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NEW YORK
SACRAMENTO
SAN FRANCISCO
WASHINGTON, D.C.
BRUSSELS

April 2005

Invoice No. 1113182
1843 35965 / 35965-000006

Direct Marketing Concepts, Inc.
P.O. Box 7082
Beverly, MA 01915
Attention: Accounts Payable

INVOICE SUMMARY

Total Fees	\$19,990.50
Total Disbursements	<u>1,192.45</u>
Total Fees and Disbursements This Statement	<u>\$21,182.95</u>

PLEASE RETURN THIS COPY WITH YOUR PAYMENT

PAYMENT MAY BE MADE BY WIRE TO: BANK ONE
ACCOUNT NUMBER: 4036166
ABA NUMBER: 071000013

ITV 000761



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May 2005

Invoice No. 1121941
1843 35965 / 35965-000006
C3

Direct Marketing Concepts, Inc.
P.O. Box 7082
Beverly, MA 01915
Attention: Accounts Payable

For legal services rendered through the month of April 2005

Supreme Greens Litigation

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
04/01/05	C. Robertson	0.60	Finalize and review pretrial memorandum; review filings by Healthy Solutions and Cappseals regarding dismissal and stipulated judgment; conference with M. Sciucco regarding
04/01/05	S. Gelwick	1.40	Revise final pretrial memorandum and add additional trial exhibits; prepare pretrial memorandum for filing with the court; conference with C. Robertson regarding review correspondence from C. Robertson to S. Silverman regarding
04/04/05	C. Robertson	1.20	Prepare outline for P. Brooks for hearing on Cappseals motions and settlement; review filings in support of discovery motions; review court orders regarding dismissal; conference with P. Brooks regarding
04/04/05	O. Golinder	1.50	Attention to case management and pleadings.
04/04/05	P. Brooks	3.50	Meeting with S. Gelwick and C. Robertson regarding review motions and supporting papers to prepare for hearing. Review motion for reconsideration by Cappseals and prepare response
04/04/05	S. Gelwick	3.70	Review of pending motions and of pretrial memorandum; preparation for final pretrial conference; conference with P. Brooks regarding ; review of orders of Judge Tauro; conference with C. Robertson regarding ; review

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WHICH MIGHT HAVE BEEN INCURRED DURING THE PERIOD COVERED BY THIS BILLING

ITV 000762

SEYFARTH
ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1121941
1843 / 35965
Page 2

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
04/05/05	C. Robertson	0.80	Conference with S. Gelwick regarding review court orders regarding trial and related issues; review strategy regarding stipulations; call with M. Sciucco regarding
04/05/05	O. Golinder	2.50	Attention to case management and pleadings.
04/05/05	P. Brooks	3.40	Prepare for and attend hearing on all pending motions
04/05/05	S. Gelwick	3.60	Attend Final Pretrial Conference; conference with C. Robertson regarding conference with P. Brooks regarding review Cappseals complaint, the preliminary injunction order and MA case law on.
04/06/05	C. Robertson	0.20	Emails with P. Brooks and S. Gelwick regarding conference with M. Sciucco regarding
04/06/05	P. Brooks	0.50	Review and respond to emails concerning FTC and Cappseals
04/06/05	S. Gelwick	2.40	Review Court's order on motion for sanctions; exchange emails with C. Robertson and P. Brooks regarding ; further research of MA cases on ; review damages asserted in complaint against HS that are unrelated to fraud claim to set off Cappseals' claim.
04/07/05	S. Gelwick	0.20	Review emails from C. Robertson regarding conference regarding documents subject to Judge O'Toole's confidentiality order.
04/08/05	S. Gelwick	0.80	Review order proposed by Cappseals regarding discovery; conference with P. Brooks; preparation of opposition to order; telephone call to Judge Tauro's clerk.
04/11/05	C. Robertson	0.40	Review documents for production to Cappseals in connection with O'Toole ruling on confidential report; conference with O. Golinder and S. Gelwick regarding
04/11/05	O. Golinder	4.60	Electronically file opposition to proposed order submitted by Cappseals with ITV's proposed order; prepare documents for production.
04/11/05	S. Gelwick	1.80	Prepare and file objection to proposed order of Cappseals and new proposed order; conference with P. Brooks regarding review objection filed by Healthy Solutions' counsel; telephone conference with Judge Tauro's clerk regarding filing; review Cappseals' claims against client and documents produced to prepare strategy for trial.

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Invoice No. 1121941
1843 / 35965
Page 3

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
04/12/05	C. Robertson	1.60	Review documents for production to Cappseals; draft letter to Silverman regarding production of FTC report and documents; review court order regarding documents at trial; conference with P. Brooks and S. Gelwick regarding ; call with W. Callahan regarding ; call with M. Sciucco regarding ; research cases on :
04/12/05	O. Golinder	0.50	Review and revise letter to S. Silverman; send same.
04/12/05	P. Brooks	1.60	Review Tauro order; office conferences regarding response to same and trial preparation issues
04/12/05	S. Gelwick	2.70	Review order of Judge Tauro; conference with C. Robertson and P. Brooks to ; begin preparation of motion for reconsideration of court's order, conduct research of First Circuit case law regarding
04/13/05	C. Robertson	0.90	Review cases and files regarding ; review complaint in intervention regarding direct and reach and apply claims; call with M. Sciucco regarding
04/13/05	M. Callahan	0.70	Conferences with C. Robertson regarding
04/13/05	P. Brooks	1.80	Preliminary outline of Cappseals trial issues
04/13/05	S. Gelwick	2.80	Review of schedules to financial report prepared for the FTC to ; research MA federal case law regarding ; conference with C. Robertson regarding
04/14/05	S. Gelwick	1.40	Research and review federal case law on
04/19/05	C. Robertson	0.30	Call with R. Maihos regarding
04/19/05	M. Callahan	0.60	Conferences with C. Robertson regarding ; conferences with W. Callahan regarding :
04/19/05	O. Golinder	0.30	Telephone conferences with court report regarding transcript.
04/19/05	P. Brooks	0.10	Office conference with Robertson regarding
04/19/05	S. Gelwick	1.40	Conduct research on cases where :
04/20/05	P. Brooks	0.70	Review transcript and conf regarding motion for reconsideration

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Page 4

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
04/20/05	S. Gelwick	0.40	Conference with P. Brooks regarding conference with court reporter regarding transcript; review court docket.
04/21/05	S. Gelwick	3.20	Research First Circuit case law regarding preparation of motion for reconsideration.
04/22/05	S. Gelwick	4.20	Further drafting and revising of motion for reconsideration and proposed order; review of transcript of conference with Judge Tauro; prepare exhibits; review and attach orders of Judge O'Toole to motion.
04/24/05	O. Golinder	0.40	Attention to file management.
04/25/05	O. Golinder	0.40	Revise motion for reconsideration; prepare exhibits; electronically file motion and proposed order.
04/26/05	C. Robertson	0.20	Review letter from B. Christiansen; conference with S. Gelwick regarding
Total Hours		59.30	

Total Fees	17,952.00
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Disbursements

Secretarial Overtime	133.92
Online Research	183.50
Federal Express/Messenger	12.59
Local Messenger	23.00
Copying	327.00
Facsimile	14.00
Deposition Transcripts - CAROL SCOTT	109.83

Total Disbursements	\$ 803.84
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Total This Statement	<u>\$18,755.84</u>
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SEYFARTH
ATTORNEYS **SHAW** LLP

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May 2005

Invoice No. 1121941
1843 35965 / 35965-000006

Direct Marketing Concepts, Inc.
P.O. Box 7082
Beverly, MA 01915
Attention: Accounts Payable

INVOICE SUMMARY

Total Fees	\$17,952.00
Total Disbursements	<u>803.84</u>
Total Fees and Disbursements This Statement	<u>\$18,755.84</u>

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ACCOUNT NUMBER: 4036166
ABA NUMBER: 071000013

ITV 000766



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June 2005

Invoice No. 1131564
1843 35965 / 35965-000006
C3

Direct Marketing Concepts, Inc.
P.O. Box 7082
Beverly, MA 01915
Attention: Accounts Payable

For legal services rendered through the month of May 2005

Supreme Greens Litigation

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
04/24/05	S. Gelwick	1.50	Further drafting of motion for reconsideration; research federal case law regarding
04/25/05	S. Gelwick	2.60	Complete drafting and revisions to Motion for Reconsideration; prepare exhibits for filing; review court's prior orders.
04/29/05	S. Gelwick	0.40	Review Cappsels' opposition to ITV's motion for reconsideration.
05/02/05	S. Gelwick	0.60	Review case law cited in Cappsels' opposition to motion for reconsideration; review local rules regarding trial preparation.
05/03/05	O. Golinder	3.00	Attention to case management.
05/03/05	P. Brooks	1.70	Supreme greens trial preparation; review and respond to Christianson letter
05/03/05	S. Gelwick	1.00	Review correspondence from Healthy Solutions' counsel; conference with C. Robertson regarding ; review claims by and against Healthy Solutions to determine whether potential settlement could be entered without violating preliminary injunction.
05/04/05	C. Robertson	2.60	Call with B. Christensen regarding status of settlement discussions and trial; meeting with S. Gelwick and P. Brooks regarding

; review transcript of hearing regarding trial; call with M. Sciucco regarding ; call with B. Maihos regarding

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SEYFARTH
ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

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Page 2

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
05/04/05	P. Brooks	1.30	Office conference for telephone conference with Christianson. telephone conference with Chris and Maihos
05/04/05	S. Gelwick	3.20	Conference with P. Brooks and C. Robertson regarding ; telephone conference with B. Christensen; review transcript of pretrial conference; telephone call to Judge Tauro's clerk; review Cappsseals' pretrial memorandum; research federal case law on
05/05/05	P. Brooks	0.20	Pre-trial issues and confer with Gelwick regarding clarification of issues for trial
05/05/05	S. Gelwick	0.80	Telephone conference with Judge Tauro's clerk regarding upcoming trial; preparation of correspondence to counsel for Healthy Solutions; conference with S. Newell regarding
05/06/05	C. Robertson	0.60	Conference with S. Gelwick regarding ; review settlement issues and possible resolution in connection with pretrial issues and scope of trial before Tauro.
05/06/05	S. Gelwick	2.40	Review legal issues and case law cited in Cappsseals' pretrial memorandum in order to prepare for trial; exchange emails with counsel for Healthy Solutions regarding trial; telephone conference with Judge Tauro's clerk
05/09/05	C. Robertson	0.60	Review letter from Gadsby regarding P. Brooks testimony and disqualification; conference with S. Gelwick regarding ; call with M. Sciucco regarding
05/09/05	S. Gelwick	2.80	Review correspondence from Cappsseals counsel regarding calling P. Brooks as witness at trial; research and review First Circuit case law in order to draft motion in limine; review federal : telephone conference with Judge Tauro's clerk regarding claims set for trial.
05/10/05	P. Brooks	3.00	Trial preparation
05/10/05	S. Gelwick	2.30	Review exhibit list in pretrial memorandum; review deposition exhibits listed as trial exhibits; review deposition testimony of Guerrero regarding qualifications and clinical support in order to prepare for trial.
05/11/05	C. Robertson	0.40	Call with M. Sciucco regarding ; review order from court regarding motion for reconsideration.
05/11/05	P. Brooks	1.40	Trial preparation

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Direct Marketing Concepts, Inc.

Invoice No. 1131564
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Page 3

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
05/11/05	S. Gelwick	1.90	Further review of first circuit case law on ; review reply to Healthy Solutions' counterclaim and affirmative defenses; review case law cited in opposition to Cappseals' motion for summary judgment to prepare for trial; conference with Z. Lovett regarding trial date.
05/12/05	P. Brooks	2.70	Work on trial exhibits and trial preparation
05/12/05	S. Gelwick	0.40	Review court's order denying motion for reconsideration and transcript from pretrial conference; telephone conference with C. Robertson regarding
05/13/05	O. Golinder	2.00	Review proposed exhibits; review parties' pre-trial memoranda; prepare proposed exhibits for P. Brooks.
05/13/05	P. Brooks	1.40	Telephone conference with mike and trial preparation
05/13/05	S. Gelwick	2.90	Research third party claims of Cappseals for trial preparation; review exhibit list of Cappseals; review Healthy Solutions' request for clarification filed with the court.
05/16/05	S. Gelwick	2.40	Research and review First Circuit case law regarding
05/17/05	C. Robertson	0.30	Conference with P. Brooks regarding
05/17/05	P. Brooks	1.80	Meeting with Robertson regarding
05/17/05	S. Gelwick	0.30	Telephone call to Judge Tauro's clerk; review request filed by Healthy Solutions.
05/18/05	C. Robertson	0.60	Call with M. Callahan regarding ; call with M. Sciucco regarding ; review settlement letter; review pretrial memoranda regarding witness issues.
05/18/05	P. Brooks	0.40	Letter to Dan Kelley
05/18/05	S. Gelwick	3.20	Research issue of ; review pretrial memoranda filed by the parties; further research of ; review facsimile of S. Silverman regarding use of affidavit of FTC; research case law regarding
05/19/05	C. Robertson	0.60	Review letter from Gadsby regarding FTC subpoena and FTC response; conference with P. Brooks regarding ; call with M. Sciucco regarding
05/19/05	P. Brooks	1.40	Revise letter; draft motion to continue and affidavit
05/19/05	S. Gelwick	0.30	Telephone conference with Z. Lovett regarding trial; review FTC's objections to subpoena served by Cappseals.

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ATTORNEYS **SHAW** LLP

Invoice No. 1131564
1843 / 35965
Page 4

Direct Marketing Concepts, Inc.

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
05/20/05	C. Robertson	0.80	Review opposition to motion for continuance filed by Cappseals; review joinder filed by Healthy Solutions; call with P. Brooks regarding ; call with M. Sciucco regarding ; call with M. Callahan regarding
05/20/05	P. Brooks	0.40	Review oppositions to motion
05/20/05	S. Gelwick	3.30	Research and review First Circuit and other federal case law regarding ; research case law ; review HS's joinder in motion for continuance.
05/23/05	C. Robertson	0.80	Conference with P. Brooks regarding ; review briefing and cases regarding defenses to invoices under UCC; pull cases for P. Brooks.
05/23/05	P. Brooks	0.60	Letter to Silverman and review letters from Silverman
05/23/05	S. Gelwick	4.60	Research and review federal case law in ; review portions of testimony of A. Guerrero for trial preparation; conference with P. Brooks.
05/24/05	C. Robertson	0.80	Pull materials and documents for P. Brooks in connection with trial preparation; call with S. Gelwick regarding ; review proposed motion to continue and bifurcate trial; review cases regarding
05/24/05	O. Golinder	2.00	Prepare proposed trial exhibits; file reply to opposition to motion to continue trial.
05/24/05	P. Brooks	8.80	Trial preparation: office conferences regarding ; review exhibits and deposition testimony to prepare direct and cross examinations; review briefs regarding legal issues. Settlement discussions with Silverman.
05/24/05	S. Gelwick	6.30	Review Cappseals' list of proposed trial exhibits and proposed stipulations and check stipulations for accuracy; conference with P. Brooks regarding ; prepare reply brief to motion to continue trial and supporting affidavit of P. Brooks; conduct research on
05/25/05	C. Robertson	1.20	Review stipulation of facts and motion regarding continuance; call with P. Brooks and S. Gelwick regarding ; review documents regarding stipulated facts concerning sales of Supreme Greens and related issues.
05/25/05	P. Brooks	3.70	Review and revise stipulation and ancillary papers. telephone conference with mike S and Wayne; continued trial preparation and review cases on

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ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1131564
1843 / 35965
Page 5

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
05/25/05	S. Gelwick	5.60	Review Cappseals' proposal to continue trial; conference with P. Brooks regarding review ITV's records for inventory listings; research issue of review relevant MA and federal case law; review court's electronic order; review trial subpoenas issued by HS' counsel.
05/26/05	C. Robertson	0.60	Review filings regarding bifurcation of trial and continuance; review court order regarding continuance; call with M. Sciucco regarding ; call with W. Callahan regarding ; conference with S. Gelwick regarding
05/26/05	S. Gelwick	1.60	Review of Cappseals' proposed motion to bifurcate the trial; conference with P. Brooks regarding ; research MA state and federal case law regarding
05/31/05	S. Gelwick	0.40	Review MA case law regarding
Total Hours		96.50	
Total Fees			31,705.50

Disbursements

Total Disbursements	<u>\$ 942.18</u>
Total This Statement	<u>\$32,647.68</u>

SEYFARTH
 ATTORNEYS **SHAW** LLP

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June 2005

Invoice No. 1131564
 1843 35965 / 35965-000006

Direct Marketing Concepts, Inc.
 P.O. Box 7082
 Beverly, MA 01915
 Attention: Accounts Payable

INVOICE SUMMARY

Total Fees	\$31,705.50
Total Disbursements	<u>942.18</u>
Total Fees and Disbursements This Statement	<u>\$32,647.68</u>

ACCOUNTS RECEIVABLE SUMMARY

A review of our records reflects the following invoice(s) remain unpaid. Please remit payment promptly.

<i>Date</i>	<i>Invoice</i>	<i>Invoice Amount</i>	<i>Payment Received</i>	<i>Balance</i>
05/18/05	1121941	\$18,755.84	\$.00	\$18,755.84

If you have any questions with regard to the amount as stated, please contact Kathy Hobbs in our Finance Department at 312-346-8000, ext. 3309.

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 THIS STATEMENT DOES NOT INCLUDE EXPENSES NOT YET RECEIVED BY THIS OFFICE
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July 2005

Invoice No. 1141260
1843 35965 / 35965-000006
C3

Direct Marketing Concepts, Inc.
55 Cherry Hill Drive
Beverly, MA 01915
Attention: Kim York

For legal services rendered through the month of June 2005

Supreme Greens Litigation

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
06/01/05	S. Gelwick	1.60	Review orders of Judge Tauro; review Cappseals' motion to bifurcate and stipulated facts; research federal case law under UCC set off provision.
06/02/05	M. Callahan	1.70	Conferences with C. Robertson regarding ; conferences with Wayne regarding
06/02/05	P. Brooks	0.60	Cappseals summary judgment
06/02/05	S. Gelwick	0.20	Review electronic orders of the court.
06/03/05	S. Gelwick	1.50	Review motion for summary judgment, statement of facts and supporting affidavits filed by Cappseals.
06/06/05	O. Golinder	0.70	Review Cappseal's Summary Judgment Motion and supporting documents; arrange for copies for distribution.
06/06/05	S. Gelwick	5.70	Review Cappseals' motion for summary judgment, statement of Undisputed Facts, and supporting exhibits and affidavits; review client's documents and deposition transcripts of parties in order to dispute Cappseals' statement of facts; review case law cited by Cappseals.
06/07/05	S. Gelwick	3.70	Review case law cited in prior opposition to Cappseals' motion, conduct additional research of federal and MA case law in order to oppose Cappseals' motion for summary judgment.

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ITV 000773

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ATTORNEYS **SHAW** LLP

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Invoice No. 1141260
1843 / 35965
Page 2

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
06/08/05	C. Robertson	0.30	Conference with S. Gelwick regarding ; review UCC cases regarding response to Cappseals.
06/08/05	S. Gelwick	2.70	Conduct research of federal and MA case law for opposition to Cappseals' motion for summary judgment; conduct research of federal rules of evidence in order to draft motion to strike FTC affidavit.
06/09/05	C. Robertson	0.40	Conference with S. Gelwick regarding
06/09/05	S. Gelwick	7.80	Conduct further research of ; further drafting of opposition to Cappseals' motion for summary judgment; conference with C. Robertson regarding
06/10/05	C. Robertson	1.10	Review cases regarding Cappseals summary judgment motion and response; research conference with S. Gelwick regarding ; call with M. Sciucco regarding
06/10/05	O. Golinder	0.50	Review documents in preparation for opposition to cappseal's summary judgment.
06/10/05	S. Gelwick	8.30	Further research and review of First Circuit case law in connection with Cappseals' motion for summary judgment and motion to strike; review ; drafting of opposition to Cappseals' motion for summary judgment, conference with C. Robertson regarding
06/11/05	S. Gelwick	6.80	Research and review case law; further drafting of opposition to Cappseals' motion for summary judgment.
06/12/05	S. Gelwick	10.70	Drafting of ITV's opposition to Cappseals' motion for summary judgment; further research of federal and MA case law for opposition; drafting of statement of facts in dispute; review of relevant portions of deposition testimony.

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ABA NUMBER: 071000013

ITV 000774

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ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1141260
1843 / 35965
Page 3

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
06/13/05	C. Robertson	1.30	Conference with S. Gelwick regarding call with M. Sciucco regarding ; review affidavits and opposition arguments; review files regarding notice of dispute over invoices.
06/13/05	O. Golinder	4.80	Review deposition of R. Maihos in preparation of opposition to Cappseal's motion for summary judgment; draft affidavit of E. Barrett Maihos; draft motion for leave to
06/13/05	P. Brooks	2.80	Revise opposition to summary judgment brief
06/13/05	S. Gelwick	9.50	Complete drafting and revising of opposition to summary judgment, affidavit of E.Barrett, motion to strike FTC affidavit, statement of material facts in dispute; conference with P. Brooks regarding review affidavits and exhibits to prepare for filing.
06/14/05	S. Gelwick	0.70	Telephone conference with Judge Tauro's clerk; review of Judge Tauro's order; preparation of additional exhibits to provide to the court.
06/17/05	S. Gelwick	2.60	Review reply brief and additional exhibits filed by Cappseals; review case law cited by Cappseals in reply brief.
06/18/05	S. Gelwick	2.00	Research First Circuit case law regarding
<hr/>			
			; review opposition to motion to strike.
06/19/05	S. Gelwick	1.50	Continue research of First Circuit case law and review of case law cited by Cappseals in order to respond to reply brief.
06/20/05	C. Robertson	1.20	Conference with S. Gelwick regarding ; research and pull cases regarding ; review Cappseals reply brief.
06/20/05	S. Gelwick	9.30	Drafting of brief in response to Cappseals' reply to motion for summary judgment; review portions of deposition testimony filed in support of Cappseals' and ITV's statements of facts.
06/21/05	C. Robertson	0.70	Review sur-reply brief regarding Cappseals motion for summary judgment; conference with S. Gelwick regarding
06/21/05	P. Brooks	1.60	Review reply brief and review and revise surreply

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ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1141260
1843 / 35965
Page 4

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>	
06/21/05	S. Gelwick	7.70	Further drafting and revising of brief in response to Cappseals' reply to summary judgment; review of case law cited in brief; conference with P. Brooks regarding ; prepare brief for filing.	
06/27/05	S. Gelwick	0.20	Telephone conference with docketing clerk for Judge Tauro regarding filings.	
Total Hours		100.20		
Total Fees				30,131.00
 <u>Disbursements</u>				
Online Research			514.89	
Copying			47.40	
Total Disbursements				<u>\$ 562.29</u>
Total This Statement				<u>\$30,693.29</u>

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55 EAST MONROE STREET - SUITE 4200
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 AREA CODE (312) 346-8000
 FEDERAL ID 36-2152202

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July 2005

Invoice No. 1141260
 1843 35965 / 35965-000006

Direct Marketing Concepts, Inc.
 55 Cherry Hill Drive
 Beverly, MA 01915
 Attention:

INVOICE SUMMARY

Total Fees	\$30,131.00
Total Disbursements	<u>562.29</u>
Total Fees and Disbursements This Statement	<u>\$30,693.29</u>

ACCOUNTS RECEIVABLE SUMMARY

A review of our records reflects the following invoice(s) remain unpaid. Please remit payment promptly.

<u>Date</u>	<u>Invoice</u>	<u>Invoice Amount</u>	<u>Payment Received</u>	<u>Balance</u>
06/13/05	1131564	\$32,647.68	\$.00	\$32,647.68

If you have any questions with regard to the amount as stated, please contact Kathy Hobbs in our Finance Department at 312-346-8000, ext. 3309.

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August 2005

Invoice No. 1149915
1843 35965 / 35965-000006
C3

Direct Marketing Concepts, Inc.
55 Cherry Hill Drive
Beverly, MA 01915
Attention:

For legal services rendered through the month of July 2005

Supreme Greens Litigation

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
07/07/05	P. Brooks	1.30	Meeting with Maihos regarding : review talent agreement and emails
07/11/05	P. Brooks	0.20	Review and revise letter
07/20/05	O. Golinder	0.30	Obtain, review and distribute summary judgment decision.
07/20/05	S. Gelwick	2.30	Review order and decision of Judge Tauro on summary judgment; exchange emails with P. Brooks regarding : ; review appellate rules regarding posting of bond; conduct research and review case law regarding
07/21/05	C. Robertson	0.30	Review Tauro order regarding judgment; call with M. Sciucco regarding
07/21/05	S. Gelwick	0.20	Conference with C. Robertson regarding
07/22/05	C. Robertson	0.60	Review proposed orders by Cappseals and Healthy Solutions regarding judgments; call with P. Brooks regarding
07/22/05	S. Gelwick	1.00	Review proposed order of Cappseals and of Healthy Solutions; review court's order; review emails of C. Robertson regarding research and review federal case law regarding

BILLS ARE DUE AND PAYABLE UPON RECEIPT
THIS STATEMENT DOES NOT INCLUDE EXPENSES NOT YET RECEIVED BY THIS OFFICE
WHICH MIGHT HAVE BEEN INCURRED DURING THE PERIOD COVERED BY THIS BILLING

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ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1149915
1843 / 35965
Page 2

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
07/24/05	S. Gelwick	0.40	Review correspondence from Healthy Solutions and electronic filings with the Court; exchange emails with C. Robertson regarding
07/25/05	C. Robertson	1.40	Conference with P. Brooks regarding ; review docket and correspondence regarding stipulated dismissal and settlement agreement; draft letter to court regarding stipulated dismissal, settlement agreement and proposed judgment.
07/25/05	S. Gelwick	1.00	Review proposed order of Healthy Solutions and Cappsseals; conference with P. Brooks and C. Robertson regarding ; review opposition to Cappsseals' motion for summary judgment and C. Robertson filing of notice with Judge Tauro regarding settlement with HS.
07/26/05	C. Robertson	0.60	Review correspondence regarding Healthy Solutions proposed judgment and prior settlement agreement; call with M. Sciucco regarding
07/27/05	C. Robertson	0.30	Review ; call with P. Brooks regarding
07/28/05	P. Brooks	0.20	Telephone conference Christianson

Total Hours 10.10

Total Fees 3,407.50

Disbursements

Online Research	1450.99
Copying	94.80
Travel	32.00

Total Disbursements \$1,577.79

Total This Statement \$4,985.29

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August 2005

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55 Cherry Hill Drive
Beverly, MA 01915
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INVOICE SUMMARY

Total Fees	\$3,407.50
Total Disbursements	<u>1,577.79</u>
Total Fees and Disbursements This Statement	<u>\$4,985.29</u>

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